

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

In re Flint Water Cases 16-10444

_____ /

The Hon. Judith E. Levy
United States District Judge

Bellwether III Case No. 17-10164

_____ /

NOTICE OF OBJECTION
TO DESIGNATIONS OF PROTECTED MATERIAL

Pursuant to the Court’s December 19, 2019 Confidentiality Order [Case No. 16-cv-10444, ECF No. 299],¹ Plaintiffs challenge the designations of the following documents previously produced by the Veolia Defendants (“Veolia”), each of which has been designated CONFIDENTIAL or HIGHLY CONFIDENTIAL – FOR ATTORNEYS’ EYES ONLY:

1. VWNAOS002343
2. VWNAOS018579
3. VWNAOS014953-VWNAOS014954
4. VWNAOS042178-VWNAOS042190
5. VWNAOS0042190-VWNAOS042194
6. VWNAOS042195-VWNAOS042200

¹See also Fifth Amended Case Management Order [Case No. 16-cv-10444, ECF No. 1255-3].

7. VWNAOS042201-VWNAOS042206
8. VWNAOS042207-VWNAOS042212
9. VWNAOS042250-VWNAOS042254
- 10.VWNAOS042519-VWNAOS042524
- 11.VWNAOS042525-VWNAOS042530
- 12.VWNAOS042559-VWNAOS042564
- 13.VWNAOS255827-VWNAOS2558363
- 14.VWNAOS255837-VWNAOS2558464
- 15.VWNAOS255847-VWNAOS2558575
- 16.VWNAOS520031-VWNAOS521985
- 17.VWNAOS525459-VWNAOS525461
- 18.VWNAOS525515-VWNAOS525518
- 19.VWNAOS551521-VWNAOS551525
- 20.VWNAOS554030-VWNAOS554030.0003
- 21.VWNAOS554037-VWNAOS554037.0002
- 22.VWNASO554040-VWNASO554040.0002
- 23.VWNAOS563229-VWNAOS563237
- 24.VWNAOS225484-VWNAOS225502
- 25.VWNAOS255515
- 26.VWNAOS321906

27.VWNAOS135456-VWNAOS135458

28.VWNAOS554020-VWNAOS554020.2132

Plaintiffs informed Veolia of their formal challenge to these designations on August 18, 2023 via email.²

Veolia has not acknowledged the correspondence.

Plaintiffs further challenge the designations of the following documents previously produced by the Veolia Defendants (“Veolia”), each of which has been designated CONFIDENTIAL or HIGHLY CONFIDENTIAL – ATTORNEYS’ EYES ONLY:

1. VWNAOS550027-VWNAOS550027.0002
2. VWNAOS549957-VWNAOS549957.0001
3. VWNAOS550138-VWNAOS550138.0001
4. VWNAOS550137-VWNAOS550137.0001
5. VWNAOS550108-VWNAOS550108.0001
6. VWNAOS557380-VWNAOS557380.0001
7. VWNAOS550092-VWNAOS550092.0001
8. VWNAOS528138-VWNAOS528138.0016
9. VWNAOS528136-VWNAOS528136.0016

²August 18, 2023 correspondence to Veolia (Challenge to Confidentiality Designations), attached hereto as **Exhibit A** and incorporated by reference as if fully stated herein.

10.VWNAOS551532

11.VWNAOS551534

12.VWNAOS551527

13.VWNAOS531835

14.VWNAOS529095

15.VWNAOS551868

16.VWNAOS543943-VWNAOS543949

17.VWNAOS543936-VWNAOS543942

18.VWNAOS180915-VWNAOS180926

19.VWNAOS264429-VWNAOS264440

20.VWNAOS264463-VWNAOS264479

21.VWNAOS264443-VWNAOS264459

22.VWNAOS264613-VWNAOS264629

23.VWNAOS264631-VWNAOS264647

24.VWNAOS522427

25.VWNAOS271749

26.VWNAOS521990

27.VWNAOS560764-VWNAOS560875

28.VWNAOS522063-VWNAOS522066

29.VWNAOS425308-VWNAOS425309

30.VWNAOS522059-VWNAOS522062

31.VWNAOS045031-VWNAOS045034

32.VWNAOS425312-VWNAOS425313

33.VWNAOS560584-VWNAOS560704

34.VWNAOS560484-VWNAOS560583

35.VWNAOS045037-VWNAOS045040

36.VWNAOS560331-VWNAOS560386

37.VWNAOS560074-VWNAOS560187

Plaintiffs informed Veolia of their formal challenge to these designations on August 21, 2023 via email.³

Veolia has not acknowledged the correspondence.

Plaintiffs further challenge the designations of the following documents previously produced by the Veolia Defendants (“Veolia”), each of which has been designated CONFIDENTIAL or HIGHLY CONFIDENTIAL – ATTORNEYS’ EYES ONLY:

1. VWNAOS090879

2. VWNAOS090880

³August 21, 2023 correspondence to Veolia (Challenge to Confidentiality Designations), attached hereto as **Exhibit B** and incorporated by reference as if fully stated herein.

3. VWNAOS091122-

VWNAOS091122.0001

4. VWNAOS091131

5. VWNAOS091135-

VWNAOS091135.0001

6. VWNAOS091138-

VWNAOS091138.0001

7. VWNAOS091147-

VWNAOS091147.0001

8. VWNAOS091148-

VWNAOS091148.0001

9. VWNAOS091152-

VWNAOS091152.0005

10.VWNAOS091607

11.VWNAOS091866

12.VWNAOS091867

13.VWNAOS091870

14.VWNAOS091872

15.VWNAOS091873

16.VWNAOS091874-

VWNAOS091874.0001

17.VWNAOS160674-

VWNAOS160674.0001

18.VWNAOS160675-

VWNAOS160675.0001

19.VWNAOS164699

20.VWNAOS164700

21.VWNAOS164814-

VWNAOS164814.0004

22.VWNAOS164938

23.VWNAOS164939-

VWNAOS164939.0001

24.VWNAOS164944

25.VWNAOS164945-

VWNAOS164945.0001

26.VWNAOS164946

27.VWNAOS164947

28.VWNAOS164952-

VWNAOS164952.0001

29.VWNAOS164954

30.VWNAOS164961-

VWNAOS164961.0001

31.VWNAOS164964-

VWNAOS164964.0001

32.VWNAOS164979-

VWNAOS164979.0001

33.VWNAOS164980-

VWNAOS164980.0001

34.VWNAOS164985-

VWNAOS164985.0005

35.VWNAOS165446

36.VWNAOS165705

37.VWNAOS165706

38.VWNAOS165710

39.VWNAOS165711

40.VWNAOS165712

41.VWNAOS165713

42.VWNAOS165717-

VWNAOS165717.0001

43.VWNAOS522183-

VWNAOS522183.0001

44.VWNAOS522819

45.VWNAOS522822

46.VWNAOS523100-

VWNAOS523100.0001

47.VWNAOS523102-

VWNAOS523102.0002

48.VWNAOS523105-

VWNAOS523105.0002

49.VWNAOS523108-

VWNAOS523108.0002

50.VWNAOS525585-

VWNAOS525585.0001

51.VWNAOS525585-

VWNAOS525585.0001

52.VWNAOS526012-

VWNAOS526012.0001

53.VWNAOS526012-

VWNAOS526012.0001

54.VWNAOS526121

55.VWNAOS526121

56.VWNAOS526266

57.VWNAOS526266

58.VWNAOS526558-

VWNAOS526558.0001

59.VWNAOS526675-

VWNAOS526675.0001

60.VWNAOS526675-

VWNAOS526675.0001

61.VWNAOS526677-

VWNAOS526677.0001

62.VWNAOS526677-

VWNAOS526677.0001

63.VWNAOS526679-

VWNAOS526679.0001

64.VWNAOS526679-

VWNAOS526679.0001

65.VWNAOS536974-

VWNAOS536974.0001

66.VWNAOS537162

67.VWNAOS538774

68.VWNAOS538774

69.VWNAOS539712-

VWNAOS539712.0002

70.VWNAOS539712-

VWNAOS539712.0002

71.VWNAOS544106-

VWNAOS544106.0005

72.VWNAOS544108-

VWNAOS544108.0005

73.VWNAOS552629

74.VWNAOS552891-

VWNAOS552891.0001

75.VWNAOS552896-

VWNAOS552896.0002

76.VWNAOS552899-

VWNAOS552899.0002

77.VWNAOS552902-

VWNAOS552902.0002

78.VWNAOS552905-

VWNAOS552905.0002

79.VWNAOS552909-

VWNAOS552909.0002

80.VWNAOS552953

81.VWNAOS552953

82.VWNAOS552954-

VWNAOS552954.0001

83.VWNAOS552954-

VWNAOS552954.0001

84.VWNAOS552955

85.VWNAOS552956-

VWNAOS552956.0001

86.VWNAOS552956-

VWNAOS552956.0001

87.VWNAOS552957

88.VWNAOS552958

89.VWNAOS552958

90.VWNAOS552959-

VWNAOS552959.0001

91.VWNAOS552959-

VWNAOS552959.0001

92.VWNAOS552960

93.VWNAOS552961-

VWNAOS552961.0001

94.VWNAOS552961-

VWNAOS552961.0001

95.VWNAOS552962-

VWNAOS552962.0001

96.VWNAOS552962-

VWNAOS552962.0001

97.VWNAOS552963

98.VWNAOS552964-

VWNAOS552964.0002

99.VWNAOS552964-

VWNAOS552964.0002

100. VWNAOS552965-

VWNAOS552965.0002

101. VWNAOS552965-

VWNAOS552965.0002

102. VWNAOS552966-

VWNAOS552966.0002

103. VWNAOS552966-

VWNAOS552966.0002

104. VWNAOS552967

105. VWNAOS552968-

VWNAOS552968.0001

106. VWNAOS552968-

VWNAOS552968.0001

107. VWNAOS552970-

VWNAOS552970.0001

108. VWNAOS552970-

VWNAOS552970.0001

109. VWNAOS552972-

VWNAOS552972.0001

110. VWNAOS552972-

VWNAOS552972.0001

111. VWNAOS552973-

VWNAOS552973.0001

112. VWNAOS552973-

VWNAOS552973.0001

113. VWNAOS552974-

VWNAOS552974.0001

114. VWNAOS552974-

VWNAOS552974.0001

115. VWNAOS552980-

VWNAOS552980.0001

116. VWNAOS552980-

VWNAOS552980.0001

117. VWNAOS552981-

VWNAOS552981.0001

118. VWNAOS552981-

VWNAOS552981.0001

119. VWNAOS552982-

VWNAOS552982.0002

120. VWNAOS552991-

VWNAOS552991.0001

121. VWNAOS552991-

VWNAOS552991.0001

122. VWNAOS552992-

VWNAOS552992.0001

123. VWNAOS552992-

VWNAOS552992.0001

124. VWNAOS552993-

VWNAOS552993.0001

125. VWNAOS552993-

VWNAOS552993.0001

126. VWNAOS552994-

VWNAOS552994.0001

127. VWNAOS552994-

VWNAOS552994.0001

128. VWNAOS552995-

VWNAOS552995.0002

129. VWNAOS552995-

VWNAOS552995.0002

130. VWNAOS552996-

VWNAOS552996.0002

131. VWNAOS552996-

VWNAOS552996.0002

132. VWNAOS553002-

VWNAOS553002.0001

133. VWNAOS553002-

VWNAOS553002.0001

134. VWNAOS553003-

VWNAOS553003.0001

135. VWNAOS553003-

VWNAOS553003.0001

136. VWNAOS553007-

VWNAOS553007.0002

137. VWNAOS553007-

VWNAOS553007.0002

138. VWNAOS553022-

VWNAOS553022.0001

139. VWNAOS553022-

VWNAOS553022.0001

140. VWNAOS553028-

VWNAOS553028.0001

141. VWNAOS553028-

VWNAOS553028.0001

142. VWNAOS553030-

VWNAOS553030.0001

143. VWNAOS553030-

VWNAOS553030.0001

144. VWNAOS553056

145. VWNAOS553056

146. VWNAOS553057-

VWNAOS553057.0001

147. VWNAOS553058

148. VWNAOS553058

149. VWNAOS553059-

VWNAOS553059.0001

150. VWNAOS553135

151. VWNAOS553141-

VWNAOS553141.0001

152. VWNAOS553141-

VWNAOS553141.0001

153. VWNAOS553146

154. VWNAOS553147

155. VWNAOS553154-

VWNAOS553154.0001

156. VWNAOS553174

157. VWNAOS553175-

VWNAOS553175.0001

158. VWNAOS553246

159. VWNAOS553246

160. VWNAOS553247-

VWNAOS553247.0005

161. VWNAOS553271-

VWNAOS553271.0001

162. VWNAOS553281-

VWNAOS553281.0002

163. VWNAOS553281-

VWNAOS553281.0002

164. VWNAOS553282-

VWNAOS553282.0002

165. VWNAOS553282-

VWNAOS553282.0002

166. VWNAOS553283-

VWNAOS553283.0002

167. VWNAOS553283-

VWNAOS553283.0002

168. VWNAOS553284-

VWNAOS553284.0002

169. VWNAOS553284-

VWNAOS553284.0002

170. VWNAOS553294-

VWNAOS553294.0001

171. VWNAOS553296-

VWNAOS553296.0001

172. VWNAOS553298-

VWNAOS553298.0001

173. VWNAOS553367

174. VWNAOS553367

175. VWNAOS553369-

VWNAOS553369.0001

176. VWNAOS553369-

VWNAOS553369.0001

177. VWNAOS553404-

VWNAOS553404.0002

178. VWNAOS553407-

VWNAOS553407.0001

179. VWNAOS553434-

VWNAOS553434.0001

180. VWNAOS553434-

VWNAOS553434.0001

181. VWNAOS553435-

VWNAOS553435.0002

182. VWNAOS553435-

VWNAOS553435.0002

183. VWNAOS553464

184. VWNAOS553465

185. VWNAOS553466-

VWNAOS553466.0001

186. VWNAOS553470-

VWNAOS553470.0001

187. VWNAOS553478-

VWNAOS553478.0004

188. VWNAOS553483-

VWNAOS553483.0007

189. VWNAOS553537-

VWNAOS553537.0001

190. VWNAOS554098-

VWNAOS554098.0004

191. VWNAOS555299-

VWNAOS555299.0001

192. VWNAOS555302-

VWNAOS555302.0001

193. VWNAOS555305-

VWNAOS555305.0001

194. VWNAOS555306-

VWNAOS555306.0001

195. VWNAOS555464

196. VWNAOS555464

197. VWNAOS555541-

VWNAOS555541.0001

198. VWNAOS555541-

VWNAOS555541.0001

199. VWNAOS555566
200. VWNAOS555567-
VWNAOS555567.0001
201. VWNAOS555568
202. VWNAOS555573-
VWNAOS555573.0002
203. VWNAOS555575-
VWNAOS555575.0001
204. VWNAOS555581-
VWNAOS555581.0002
205. VWNAOS555584-
VWNAOS555584.0001
206. VWNAOS555594-
VWNAOS555594.0003
207. VWNAOS555596
208. VWNAOS555597-
VWNAOS555597.0001
209. VWNAOS555598
210. VWNAOS555599

- 211. VWNAOS555600-
VWNAOS555600.0001
- 212. VWNAOS555611-
VWNAOS555611.0001
- 213. VWNAOS555612-
VWNAOS555612.0001
- 214. VWNAOS555616-
VWNAOS555616.0001
- 215. VWNAOS555617-
VWNAOS555617.0001
- 216. VWNAOS555627-
VWNAOS555627.0001
- 217. VWNAOS555627-
VWNAOS555627.0001
- 218. VWNAOS555631-
VWNAOS555631.0001
- 219. VWNAOS555632-
VWNAOS555632.0001
- 220. VWNAOS555646-
VWNAOS555646.0001

- 221. VWNAOS555649-
VWNAOS555649.0001
- 222. VWNAOS555651-
VWNAOS555651.0001
- 223. VWNAOS555652-
VWNAOS555652.0001
- 224. VWNAOS555714
- 225. VWNAOS555714
- 226. VWNAOS555724-
VWNAOS555724.0001
- 227. VWNAOS555724-
VWNAOS555724.0001
- 228. VWNAOS555725-
VWNAOS555725.0001
- 229. VWNAOS555801
- 230. VWNAOS555803
- 231. VWNAOS555803
- 232. VWNAOS555806-
VWNAOS555806.0001

233. VWNAOS555838-

VWNAOS555838.0001

234. VWNAOS555838-

VWNAOS555838.0001

235. VWNAOS555848-

VWNAOS555848.0001

236. VWNAOS555848-

VWNAOS555848.0001

237. VWNAOS555863

238. VWNAOS555864-

VWNAOS555864.0004

239. VWNAOS555865

240. VWNAOS555865

241. VWNAOS555873-

VWNAOS555873.0001

242. VWNAOS555873-

VWNAOS555873.0001

243. VWNAOS555934

244. VWNAOS555938

245. VWNAOS556042

246. VWNAOS556043-

VWNAOS556043.0003

247. VWNAOS556092

248. VWNAOS556093-

VWNAOS556093.0004

249. VWNAOS556279-

VWNAOS556279.0004

250. VWNAOS556604

251. VWNAOS556604

252. VWNAOS556606-

VWNAOS556606.0001

253. VWNAOS556763

254. VWNAOS556763

255. VWNAOS556764

256. VWNAOS556781

257. VWNAOS556782-

VWNAOS556782.0001

258. VWNAOS556784

259. VWNAOS556785-

VWNAOS556785.0001

260. VWNAOS556786-

VWNAOS556786.0001

261. VWNAOS556940-

VWNAOS556940.0005

262. VWNAOS556942-

VWNAOS556942.0005

263. VWNAOS556972

264. VWNAOS556972

265. VWNAOS556989-

VWNAOS556989.0006

266. VWNAOS557041-

VWNAOS557041.0005

267. VWNAOS557161-

VWNAOS557161.0001

268. VWNAOS557164-

VWNAOS557164.0002

269. VWNAOS557176-

VWNAOS557176.0002

270. VWNAOS557181-

VWNAOS557181.0001

271. VWNAOS557186-

VWNAOS557186.0002

272. VWNAOS557208-

VWNAOS557208.0001

273. VWNAOS557214-

VWNAOS557214.0001

274. VWNAOS557236-

VWNAOS557236.0002

275. VWNAOS557236-

VWNAOS557236.0002

276. VWNAOS557241-

VWNAOS557241.0002

277. VWNAOS557244-

VWNAOS557244.0002

278. VWNAOS557244-

VWNAOS557244.0002

279. VWNAOS557245-

VWNAOS557245.0002

280. VWNAOS557245-

VWNAOS557245.0002

281. VWNAOS557246-

VWNAOS557246.0004

282. VWNAOS557246-

VWNAOS557246.0004

283. VWNAOS557270

284. VWNAOS557270

285. VWNAOS557272-

VWNAOS557272.0001

286. VWNAOS557273-

VWNAOS557273.0001

287. VWNAOS557274-

VWNAOS557274.0001

288. VWNAOS557276

289. VWNAOS557276

290. VWNAOS557277

291. VWNAOS557307-

VWNAOS557307.0001

292. VWNAOS557307-

VWNAOS557307.0001

293. VWNAOS557312

294. VWNAOS557312

295. VWNAOS557313-

VWNAOS557313.0001

296. VWNAOS557327

297. VWNAOS557327

298. VWNAOS557384-

VWNAOS557384.0001

299. VWNAOS557385-

VWNAOS557385.0001

300. VWNAOS557386-

VWNAOS557386.0001

301. VWNAOS557409-

VWNAOS557409.0001

302. VWNAOS557409-

VWNAOS557409.0001

303. VWNAOS557442-

VWNAOS557442.0006

304. VWNAOS557476-

VWNAOS557476.0006

305. VWNAOS557680-

VWNAOS557680.0002

306. VWNAOS557680-

VWNAOS557680.0002

307. VWNAOS557681-

VWNAOS557681.0002

308. VWNAOS557681-

VWNAOS557681.0002

309. VWNAOS557797

310. VWNAOS557799

311. VWNAOS558108-

VWNAOS558108.0001

312. VWNAOS558154

313. VWNAOS558399

314. VWNAOS558440-

VWNAOS558440.0001

315. VWNAOS558969

316. VWNAOS559018

317. VWNAOS559352

318. VWNAOS559353

Plaintiffs informed Veolia of their formal challenge to these designations on August 25, 2023 via email.⁴

Veolia has not acknowledged the correspondence.

The subject documents do not contain confidential information under applicable law or pursuant to this Court's prior orders. Thus, because there is a profound public interest in the Flint Water Crisis and in this litigation (as Veolia and the Court have consistently stated); because the truth matters (as Veolia has vigorously and publicly argued);⁵ and in light of Veolia's significant public presence online and Veolia's continued public misinformation campaign,⁶ these documents must be de-designated as CONFIDENTIAL. Further, if any are made public, such would not cause oppression, competitive disadvantage, infringement of privacy rights established by statute or regulation, or infringement of confidentiality requirements established by statute or regulation with respect to government purchasing or other operations. Conversely, and perhaps most importantly, doing so might begin to level the playing field.

⁴ August 25, 2023 correspondence to Veolia (Challenge to Confidentiality Designations), attached hereto as **Exhibit C** and incorporated by reference as if fully stated herein

⁵ See @VNAFlintFacts: Description of Twitter handle, attached hereto as **Exhibit D** and incorporated by reference as if fully stated herein.

⁶ See Declaration of Lauren H. Cohen, Ph.D., previously filed in Case No. 16-cv-10444 [ECF No. 2550], attached hereto as **Exhibit E** and incorporated by reference as if fully stated herein.

Dated: September 8, 2023

Respectfully submitted,

/s/ Corey M. Stern

Corey M. Stern

Melanie Daly

605 Third Ave., 33rd Fl.

New York, New York 10158

cstern@levylaw.com

mdaly@levylaw.com

CERTIFICATE OF SERVICE

I, Corey Stern, hereby certify that on September 8, 2023 the foregoing document and the attached exhibits were served on all counsel of record via the court's ECF system.

/s/ Corey M. Stern
Corey M. Stern